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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/398,289	09/20/1999	HAIM ZVI MELMAN		9873

7590 04/10/2002

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EXAMINER

ALAM, SHAHID AL

ART UNIT

PAPER NUMBER

2172

DATE MAILED: 04/10/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/398,289

Applicant(s)

MELMAN, HAIM ZVI

Examiner

Shahid Al Alam

Art Unit

2172

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 November 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on November 23, 2001 with respect to claims 1 – 11 have been fully considered but they are not deemed to be persuasive.

The Applicant's main arguments are that Beall does not teach the items of database that represent at least one query, the database contains at least two terms and the terms are related through at least one item representing at least one query and Beall's database does not contain means for attributing of any kind.

The Applicant argues that Beall does not teach the items of database that represent at least one query.

The examiner respectfully disagrees with the applicant because Beall teaches a database and database is an electronic catalog of products (column 4, line 19). The selection of a catalog is based on the likelihood that catalog will have the desired item and there must be a standard query (column 4, lines 35 – 40).

Applicant has a database that contains at least one item representing at least one query. Examiner interprets this as one database and that one database have one item. This one item maybe a product item or item of the query, such as query item 1, query item 2, etc. In claim 1, the Applicant is broadly claiming at least one item, but is not explicitly claiming whether that item is a product item or item of the query. Applicant is not claiming that query is stored in database.

Applicant discloses in his argument:

"Database 108 of the present invention contains items that are queries as clearly indicated by the specification text: In a preferred embodiment of the invention, Query Composition section 200 contains Query window 202 where the current query is composed and Related Query window 204 for display of relevant queries stored in System Database 108. Beall does not suggesting to store a query in a database." (See response to argument No. 1).

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "... the current query is composed and related queries window for display of relevant queries stored in System Database" and "to store a query in a database") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The Applicant argues that Beall does not teach that the database contains at least two terms and the terms are related through at least one item representing at least one query.

The examiner respectfully disagrees with the applicant because Beall teaches a database as explained above. Beall teaches an application server that is connected to interact with a database, which resides in a computer memory storage device.

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Command entered (in this case query entered) into web browser software cause information to be extracted from the database and display at the workstation. The user inputs a search string and search string may be any combination of alphanumeric characters or search terms (combination of alphanumeric characters or search terms are terms of queries). The search string may comprises search terms in any order (search terms can be interpret as term 1, term 2, etc.). The search string could include the name of an item, a part number for an item or any attribute of the item (see column 4, lines 34 – 64).

The Applicant arguing that Beall's database does not contain means for attributing of any kind.

The examiner respectfully disagrees with the applicant because the search string of Beall comprises search terms in any order (search terms can be interpret as term 1, term 2, etc.). The search string could include the name of an item, a part number for an item or any attribute of the item (see column 4, lines 34 – 64).

The examiner concludes that Beall teaches the invention as claimed and thus claims 1 – 11 are remain rejected.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1-11 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Number 6,032,145 issued to Christopher W. Beall et al. ("Beall").

With respect to claim 1, Beall teaches a database for use in conjunction with information search, whereas said database contains at least one item representing at least one query (column 4, lines 19, 35 – 40).

As to claim 2, said database contains at least two terms, . . . , (column 4, lines 19, 35 – 40 and 58 – 64).

As to claim 3, at least one information datum; at least one item representing at least one query; and means for attributing said at least one information datum to said at least one item (column 4, lines 35 – 40 and 61 – 64).

As to claim 4, a database containing at least one item representing at least one query; and means for composing a query; and means for relating said at least one stored item to a query undergoing a composition process (column 4, lines 35 – 40 and column 5, lines 10 – 20).

As to claim 5, means for displaying at least one item representing at least one query stored in said database . . . , (column 6, lines 27 – 32).

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As to claim 6, a database containing at least one term (column 4, lines 19, 35 – 40); means for composing a query; and means for relating said at least one stored term to a query undergoing a composition process (column 5, lines 10 – 20).

As to claim 7, displaying at least one term stored in said database (column 4, lines 11 – 17).

As to claim 8, at least one information datum; at least one item representing at least one query; and means for relating said at least one information datum to said at least one item (column 4, lines 35 – 40 and 61 – 64).

As to claim 9, displaying at least one information datum stored in said database (column 4, lines 11 – 17).

As to claim 10, items representing queries submitted first in a search session acquire higher ranking than items representing successive queries (column 5, lines 59 – 64).

As to claim 11, the user information to communicate at least one other user that searched for similar information (column 3, lines 43 – 47).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 5,742,816 issued to Barr et al.

U.S. Patent 5,721,902 issued to Schultz.

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4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Contact Information

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shahid Al Alam whose telephone number is (703) 305-2358. The examiner can normally be reached on Monday - Thursday 8:00 A.M. to 4:30 P.M..


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached on (703) 305-4393. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Shahid Al Alam

Examiner, Art Unit 2172

April 2, 2002



**JEAN M. CORRIELUS
PRIMARY EXAMINER**